

Message Text

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PAGE 01 BANJUL 00446 041718Z

43

ACTION L-03

INFO OCT-01 AF-08 ISO-00 JUSE-00 COM-04 EB-07 PM-04 NSC-05

SP-02 SS-15 CIAE-00 DODE-00 INR-07 NSAE-00 PA-02

USIA-15 PRS-01 /074 W

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P R 041555Z MAY 76

FM AMEMBASSY BANJUL

TO SECSTATE WASHDC PRIORITY 3319

INFO AMEMBASSY DAKAR

UNCLAS BANJUL 0446

FOR L/PM

E O 11652: NA

TAGS: PGOV PFOR GA

SUBJ: GAMBIAN LAW REGARDING QUESTIONABLE PAYMENTS

REF : STATE 94647

1. CRIMINAL CODE, CHAPTER 37, LAWS OF THE GAMBIA, DATED
JULY 1, 1966, HAS GENERAL SECTION, CHAP X, PARAS 86-94,
CONCERNING CORRUPTION AND ABUSE OF OFFICE. LAW STATES:

"ANY PERSON WHO--

(1) BEING EMPLOYED IN THE PUBLIC SERVICE, AND BEING
CHARGED WITH THE PERFORMANCE OF ANY DUTY BY VIRTUE OF
SUCH EMPLOYMENT, CORRUPTLY SOLICITS, RECEIVES OR OBTAINS,
OR AGREES OR ATTEMPTS TO RECEIVE OR OBTAIN, ANY PROPERTY
OR BENEFIT OF ANY KIND FOR HIMSELF OR ANY OTHER PERSON ON
ACCOUNT OF ANYTHING ALREADY DONE OR OMITTED TO BE DONE,
OR TO BE AFTERWARDS DONE OR OMITTED TO BE DONE, BY HIM IN
THE DISCHARGE OF THE DUTIES OF HIS OFFICE; OR

(2) CORRUPTLY GIVES, CONFERS, OR PROCURES, OR PROMISES OR
OFFERS TO GIVE OR CONFER, OR TO PROCURE, OR ATTEMPT TO PRO-
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PAGE 02 BANJUL 00446 041718Z

CURE, TO, UPON, OR FOR ANY PERSON EMPLOYED IN THE PUBLIC

SERVICE, OR TO, UPON, OR FOR ANY OTHER PERSON, ANY PROPERTY OR BENEFIT OF ANY KIND ON ACCOUNT OF ANY SUCH ACT OR OMISION ON THE PART OF THE PERSON SO EMPLOYED,

IS GUILTY OF A FELONY, AND IS LIABLE TO IMPRISONMENT FOR SEVEN YEARS."

2. SAME LAW, CHAP XXXIX, PARAS 359-363, CONCERNS SECRET COMMISSIONS AND CORRUPT PRACTICES. THIS SECTION REFINES EARLIER ONE AND PROSCRIBES CORRUPT PRACTICES BY AGENTS, "INCLUDING ANY PERSON EMPLOYED BY OR ACTING FOR ANOTHER."

3. LAWS CITED APPEAR TO PROHIBIT PRACTICES OUTLINES PARA 2, A, C, AND F REFTEL. WE ARE NOT AWARE ANY GAMBIAIAN LAW REQUIRING DISCLOSURE OF PAYMENTS (PARA 2B REFTEL) MADE TO OR FOR BENEFIT OF GOTG OFFICIALS, BUT SUCH PAYMENTS WOULD BE ILLEGAL AND CONSTITUTE PUNISHABLE OFFENSE.

4. EMBASSY IS CHECKING FURTHER RE PARA 2, D AND E REFTEL, AND WILL REPORT IF RELEVANT LAWS EXIST.

5. EMBASSY IS POUCHING TEXTS CHAPS X AND XXXIX TO L/PM AS REQUESTED.
WYGANT

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Message Attributes

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Margaret P. Grafeld
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